

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4 and 6-24 are pending in this application. Claim 1 is amended and claim 5 has been cancelled. No claims are added. Claim 1 is the sole independent claim.

Applicants respectfully request that the Examiner's next communication include an acknowledgement of receipt of the certified copies of the priority documents from the International Bureau.

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner. Action, Summary at 10.

Rejections under 35 U.S.C. § 102

Ritter et al.

Claims 1, 3-4, 8-9, 12-18, 21 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 4,496,446 to Ritter et al. ("Ritter"). Applicants respectfully traverse this rejection for the reasons detailed below.

The Office Action stated that Ritter teaches irradiating structural surgical elements, such as an anastomosis ring device, with gamma radiation to improve properties such as initial strength, in vivo strength and degradation loss rate of said strength properties; that said surgical elements are made of bioabsorbable polymers, such as polyglycolides and copolymers of glycolides with trimethylene

carbonate; that Ritter et al. discloses the use of gamma radiation dosages of up to 10 Mrad; and that, in addition, Ritter teaches ethylene oxide sterilization of said structural surgical devices.

Ritter does not teach or suggest “a method comprising forming homopolymers or copolymers of TMC; molding said polymers formed into a desired shape; and irradiating said molded shape with actinic radiation in an inert atmosphere, wherein the copolymer of 1,3-trimethylene carbonate (TMC) is chosen from the group consisting of 1,3-trimethylene carbonate (TMC) (co)polymers with polyethylene oxide (PEO), polyethylene glycol (PEG) and -caprolactone (CL)” as recited in amended claim 1.

Applicants, therefore, respectfully request that the rejection to Claims 1, 3-4, 8-9, 12-18, 21 and 23-24 under 35 U.S.C. § 103(a) be withdrawn.

Rejections under 35 U.S.C. § 102(b)/103(a)

Roby et al.

Claims 1-4, 8-14, 15-21 and 23-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,89,075 to Roby et al. (“Roby”). Applicants respectfully traverse this rejection for the reasons detailed below.

The Office Action stated that Roby sets forth irradiated surgical sutures and methods of making them; that said surgical sutures are fabricated from a copolymer of dioxanone, trimethylene carbonate, and glycolide, which is treated with gamma irradiation to enhance the properties; that said copolymers can be arranged in sequences; and that the irradiation treatment is from a total dose

rate from about 2 to about 12 Mrad in an inert atmosphere while under vacuum.

Roby does not teach or suggest "a method comprising forming homopolymers or copolymers of TMC; molding said polymers formed into a desired shape; and irradiating said molded shape with actinic radiation in an inert atmosphere, wherein the copolymer of 1,3-trimethylene carbonate (TMC) is chosen from the group consisting of 1,3-trimethylene carbonate (TMC) (co)polymers with polyethylene oxide (PEO), polyethylene glycol (PEG) and -caprolactone (CL)" as recited in amended claim 1.

Applicants, therefore, respectfully request that the rejection to Claims 1-4, 8-14, 15-21 and 23-24 under 35 U.S.C. § 102(b) or 103(a) be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for indicating the allowable subject matter of claims 5-7 and 22. Applicants have amended claim 1 with the subject matter of claim 5, and therefore, respectfully submit that all pending claims are allowable.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

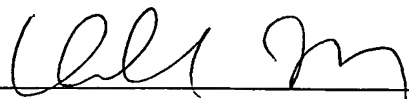
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/EGH:ljs